



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 3594-99

22 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for further consideration of your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. In addition, your application has been interpreted as a request for retirement by reason of physical disability.

The Board did not reconsider your request for expunction of the records of nonjudicial punishments, as you did not submit any new material evidence in that regard. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your remaining request on 18 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that a medical board gave you a diagnosis of atopic dermatitis, existed prior to enlistment, not aggravated by service, and recommended that you be discharged for failing to meet minimum physical standards for enlistment. You apparently rejected that recommendation, and demanded review by the Physical Evaluation Board (PEB). You were administratively discharged under the Expeditious Discharge Program on 25 October 1979, and it does not appear that your case was considered by a PEB; however, as you have not presented evidence which demonstrates that your skin condition was incurred in or aggravated by your military service, and was ratable at or above 30% disabling, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director